



Comparator For Time-Temperature Indicator"

NA-1147

IN THE U.S. PATENT AND TRADEMARK OFFICE

D. Lawrence
#12
7.2.02

In re application of
Bruce Wright

Serial No. 09/244,961
Filing Date: February 4, 1999
Attorney Docket No. NA-1147

Examiner: Alexander, L.
Group Art Unit: 1743

For: "Comparator For Time-Temperature Indicator"

Commissioner of Patents and Trademarks
Attn: Box AMENDMENT
Washington, D.C. 20231

**REQUEST FOR RECONSIDERATION AND PETITION FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136(a)**

Dear Sir:

In accordance with the provisions of 37 CFR 1.136(a) Applicant in the above-identified U.S. patent application respectfully petitions for an extension of time of three (3) months.

The time for responding to the Office Action dated December 18, 2001 was a three (3) month period expiring on March 18, 2002. The three (3) month extension of time extends the time set for response to June 18, 2002.

Please charge the fee set by 37 CFR 1.17(a) to the U.S. Army Materiel Command's Patent Office Deposit No. 19-2201 in the amount of \$920.00.

The Office Action dated December 18, 2001, has been carefully reviewed.

Comparisons in general and color comparisons in particular are well known. It is not obvious, however, just from this general knowledge that a person would determine that a comparator should or could be made or how to make it. What is obvious from the references is how to make a time-temperature indicator or integrator (TTI). From the TTI itself it is not obvious how to make a TTI Comparator.

Taoukis et al. mention both color change and color comparison. The color changes as described in Figures 1 and 2 of Taoukis et al. are related to the indicators classified as Critical Temperature Indicators (CTI) on p. 72. These color changes are rather rapid and result in a Yes/No answer to a question such as, "Did it change"? With an indicator of this design,

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temperature is a factor, but not time. The indicator (Type I) described in reference to Figure 3 has a scale, but this is not a color change. It is a movement of the dye advancing as a "blue front". Although the indicator (Type II) described in Figure 4 is continuous in principle, the response is discrete as indicated by the four possible readings on the scale. The responses from these types of indicators are different from a TTI as described on p. 72, paragraph 3, especially Type III as described on p.74. A TTI is continuous in response and changes more slowly so that a color comparison is possible with time being a factor. Color comparisons are mentioned in reference to Figures 4 and 9, but are in reference to the TTI itself and not to a comparator. Although the TTI in Figure 9 is of the type referred to in the present invention, the color comparisons in Figure 9 are again in reference to the TTI and not a TTI Comparator. The use of six stages in both this figure and in the patent application is a coincidence. In either case, the number of stages is not restricted to six and could have been smaller or greater in number. Many items including paperboard cartons have a similar appearance when viewed from the outside, but such outer appearance does not suggest that what is inside is the same or even similar. The patent application teaches a preferred embodiment and illustrates the type of TTI similar to that shown in Figure 9 of Taoukis et al. The closer the similarity is between a TTI and a comparator, the easier it is to use the TTI Comparator for measuring the TTI. If a different TTI were being measured, the TTI Comparator being used would look different.

Olsen et al. discuss color charts or wheels as TTIs, but do not teach or suggest a comparator or a separate technology that can be used apart from the TTI described as their invention. Olsen et al. including Figure 10 thereof, does not suggest a comparator, indicia, information corresponding to the indicia, and means for storing and accessing the information.

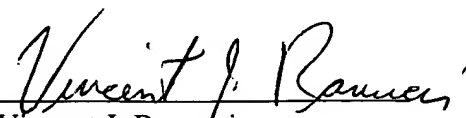
Applicant teaches a comparator and not a TTI. In view of Taoukis et al. and Olsen et al., it is not obvious how a separate and distinct comparator can be taught by the present invention.

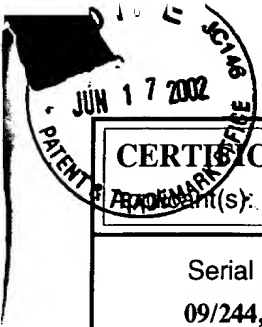
In view of the foregoing remarks, it is believed that Claims 1 and 17 in this application are allowable and Notice to that effect is respectfully solicited.

Should the Examiner wish to contact Applicant's attorney regarding this application, the Examiner is respectfully invited to do so by calling or writing the undersigned in the Office of Counsel, U.S. Army Soldier and Biological Chemical Command, Natick, MA 01760 at (508) 233-4510.

Respectfully submitted,

JUNE 17, 2002
Date


Vincent J. Ranucci
Attorney for Applicant
Reg. # 29,579



CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): **Bruce Wright**

Docket No.

NA-1147

Serial No.

09/244,961

Filing Date

2/4/99

Examiner

Alexander, L.

Group Art Unit

1743

Invention: **Comparator For Time-Temperature Indicator**

I hereby certify that the following correspondence:

Combined Amendment & Petition for Extension of Time and Postcard

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

June 17, 2002

(Date)

Teresa Crouse

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

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**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
NA-1147

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of **\$920.00** for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. **19-2201** in the amount of **\$920.00**
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-2201** A duplicate copy of this sheet is enclosed.

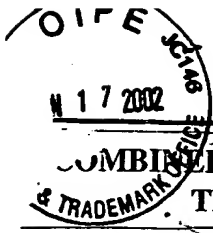
Vincent J. Ranucci
Signature

Dated: June 17, 2002

I certify that this document and fee is being deposited
on _____ with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence



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**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
NA-1147

In Re Application Of: **Bruc Wright**

D. Hawker
#11
9-2-02

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|----------------------------|-------------------------|---------------------------|------------------------|
| Serial No. 09/244,961 ✓ | Filing Date 02/04/99 | Examiner Alexander, L. | Group Art Unit 1743 |
|----------------------------|-------------------------|---------------------------|------------------------|

Invention:
Comparator for Time-Temperature Indicator

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 12/18/01 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

- ☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: 03/18/02 until: 06/18/02
Date *Date*

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The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
|---|-------------------------------------|-----------------------------|--------------------------------|-----------|-------------------|
| TOTAL CLAIMS | 2 - | 20 = | 0 | x \$18.00 | \$0.00 |
| INDEP. CLAIMS | 2 - | 3 = | 0 | x \$84.00 | \$0.00 |
| FEE FOR AMENDMENT | | | | | \$0.00 |
| FEE FOR EXTENSION OF TIME | | | | | \$920.00 |
| TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME | | | | | \$920.00 |

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